

Topsfield Conservation Commission
Meeting Minutes of Wednesday, October 13, 2010
Topsfield Library Meeting Room

Present: George Hall, Chairman; Holger Luther; Jennie Merrill; Jim MacDougall; Jud Pratt; Mark Erickson; Lana Spillman, Administrator; Lisa Nihan-Demeule, Minutes Secretary.

Also Present: Norman Isler, Maija Scarpaci, Jerry McCarthy, Larry LeGault, Nicholas Decoulas, BoS liaison Dick Gandt.

Meeting was called to order by George Hall with a quorum present at 7:02 pm.

Acronyms:

DEP - Department of Environmental Protection
TCC - Topsfield Conservation Commission
BoS - Board of Selectmen
NoI - Notice of Intent
OoC - Order of Conditions
CoC - Certificate of Compliance
RDA - Request for Determination of Applicability
RDNI - Request for Determination of Negligible Impact
Act - MA Wetlands Protection Act, M.G.L. Ch. 131, Section 40

Bylaw Denial Order 307-0640: 57 Candlewood Drive/109 Perkins Row, (Map 43, Lot 7), Nick Decoulos, attorney for Richard Skeffington, remand discussion.

Attorney Nick Decoulos was present. The matter will be discussed after proper notice for a public hearing. Decoulos will wait to hear from Spillman with instructions under the Bylaw for how to file for a hearing.

RDA 2010-11:17 Towne Lane, (Map 33, Lot 63), Scarpaci

Merrill read the legal ad. Proof of abutter notification was previously submitted. The completed project is removal of trees from the Buffer Zone. Maija Scarpaci was present.

Spillman described the six mature trees shown on the sketch that had been cut without prior authorization, noting that some had health problems but not all. The Scarpacis were asked to file a Request for Determination after the fact. A NoI is proposed for further work. Spillman indicated that two hearings have been scheduled: one to deal with the previously removed trees (RDA), the second to deal with extensive stump removal, addition of fill, etc. (NoI). Cutting of trees would be authorized under the RDA. Other things would be under the NoI. *Luther made a motion to close the hearing and issue a Negative Determination for the work already done. Erickson seconded. The vote was unanimous in favor.* No further permits are required for the work that has already been done.

Amended OoC 307-0661:198 Central Street, Map 50, Lot 1), North Shore Heritage Associates, Incorporated

Engineer Bob Lynch of Atlantic Engineering and Jerry McCarthy of North Shore Heritage Associates were present. Lynch described a proposed change to contour lines to eliminate a previously proposed swale and to save the trees and existing vegetation in that area. *Pratt made a motion to close*

hearing. Erickson seconded. The vote was unanimous in favor. Luther moved issue an Amended Order of Conditions accepting the amended plan dated August 25, 2010, Revision 1. MacDougall seconded. The vote was unanimous in favor.

CoC 307-0597: 49 Rowley Road, (Map 6, Lot 13) Rabines/Jensen Development Corp.

CoC 307-0551: 94 South Main Street, (Map 49, Lot 27), Collins/The Neve-Morin Group

CoC 307-0604: 94 South Main Street, (Map 49, Lot 27), Collins/The Neve-Morin Group

CoC 307-0613: 94 South Main Street, (Map 49, Lot 27), Collins/The Neve-Morin Group

CoC 307-0462: 39 Prospect Street, (Map 40, Lot 97), Dorn

Hall explained that Spillman is trying to clear out a large backlog of cases without CoC's. Luther made a blanket motion to issue the five CoC's. MacDougall seconded. The vote was unanimous in favor.

RDNI 2010-07: 53 Candlewood Drive, (Map 43, Lot 8), DelGaizo Spillman described storm damage and dead trees on the property. The front of the property is in Riverfront Area of Cow Pen Brook, and the work proposed in back is close to the wetlands on the property. DelGaizo arrived at 7:20 p.m., during the discussion. She indicated the trees are all dead. Luther questioned whether the activities of this RDNI would be covered by the Rivers Act. Hall questioned whether the activities would be exempt and whether negligible impact would apply in the Riverfront area. TCC referred to the Act Regulations, 310 CMR 10.58 and 10.02 (b) 1. [Minor Projects]. Luther motioned that the work proposed with this application is of negligible impact in the Riverfront Area and in the Buffer Zone. MacDougall seconded. There was a unanimous vote in favor.

Meeting Minutes:

Spillman had sent additional minutes electronically in a batch. Pratt asked if a batch of minutes could be sent out the Friday before a TCC meeting so that he would be more refreshed on what he would be voting on. Spillman will re-send the minutes. Pratt made a motion to have a list of all minutes not accepted yet sent to TCC members who can review them all at next meeting. Hall stressed a commitment to review the minutes and an obligation to do so under the Open Meeting Law.

Release of Old Executive Session Minutes:

Hall explained the new process under Open Meeting Law changes. Hall briefly discussed cases that were the subjects of the old Executive Session minutes - 470 Boston Street, 277 High Street, Morningside River Estates, 126 Ipswich Road, 64 Wenham Road, and 72 Hill Street, that span from July 1997 through 2007, and suggested that they be released. Luther made a motion to release those Executive Session minutes. Pratt seconded. There was a unanimous vote in favor.

Luther moved to table the meeting minutes' approval and have the Administrator assemble and distribute the outstanding open meeting minutes for approval at the next meeting. Pratt added the Friday before the next meeting. Erickson seconded. There was a unanimous vote in favor.

Discussion and Planning:

Since the last meeting, MacDougall met with Mr. O'Malley, an abutter to a piece of Conservation Land on Pheasant Lane, to discuss the possibility of trading a portion of the abutter's property for the Conservation Land that has been encroached on. MacDougall walked the property with Mr. O'Malley and noted that the land contains features beneficial for wildlife, including rock walls and a stand of pignut hickory trees. He reminded the homeowners that this is a long process, if this is allowable. TCC's interest is to find the most beneficial resolution for all. MacDougall recommended that the O'Malleys get an estimate for moving their building off of Town land in order to figure out the economic impact. He also suggested for the land to swap a strip of land along the stone wall, 25-30 feet wide that would tie the current Conservation land to Willowdale State Forest, to provide connectivity for wildlife. MacDougall suggested that the Town needs to tighten up the requirements for street acceptance. Hall commented that when the subdivision was drawn, between the Planning Board and the TCC, there should have been a requirement to install monuments along the common property line. He added that the Town's open space bylaws should say that land tendered to the TCC has to be adequately monumented. BoS representative Gandt said the Town would do an appraisal as part of the process. He said square footage has to be equal. TCC considers the conservation value of the land. The O'Malleys need an indication of where is best to parcel the land out.

TCC Applicants for Conservation Commissioner:

Gandt suggested that the TCC notify the Selectmen by e-mail of the complementary skill sets of each candidate. The Selectmen do not conduct interviews.

Other:

- TCC looked at GoogleEarth with data overlays. MacDougall has DEP wetland and Topsfield wetland maps that he will share with TCC.
- Spillman suggested the Commission make a site visit to the Fairgrounds at 207 Boston Street (Maps 57 and 49, Lots 4 and 2, respectively), and will contact all involved.
- Spillman reported a site visit to 270 Boston Street, (Map 41, Lot 87), Albright. She noted that a majority of the trees planted are still alive after the drought. She also indicated, however, that an area of the vernal pool and all the area around it had been mowed, which is not in compliance with the TCC-approved restoration plan. Hall and Spillman will send the owner a letter reminding the owners to stop mowing.
- Spillman is meeting with three Masconomet students and Mr. Alan Berry tomorrow at 12 Boston Street/English Commons, the Conservation Restriction portion of the site, to review basics of photography documentation.
- MacDougall will recommend a GPS unit that is compatible with the Water Department's GPS.

MacDougall made a motion to adjourn. Erickson seconded. The vote was unanimous in favor.

The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Lisa Nihan-Demeule, Minutes Secretary

Accepted at the TCC meeting on November 17, 2010

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Commission constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Commission as to the completeness or accuracy of such statements.